

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,

Debtor.

Chapter 11

Case No.: 21-22108 (RDD)

STIPULATION

WHEREAS on November 8, 2021, the Court entered an Order Directing Appointment of an Examiner pursuant to U.S.C. § 1104(c) [ECF No. 178] and, on November 16, 2021, the Court appointed Eric M. Huebscher as Examiner (the “Examiner”) [ECF No. 186].

WHEREAS on December 14, 2021, the Court entered the Second Amended Examiner Order [ECF No. 224], permitting the Examiner to issue subpoenas pursuant to Federal Rule of Civil Procedure 45.

WHEREAS on January 25, 2022, Miriam Gross produced to the Examiner, the Court, and 96 Wythe Acquisition LLC documents responsive to the Examiner’s requests for information, including certain bank statements.

WHEREAS on April 15, 2022, Benefit Street Partners Realty Operating Partnership, L.P. (“Benefit Street”) served an amended subpoena (the “Subpoena”) on JPMorgan Chase Bank, N.A., seeking production of, *inter alia*, “[a]ll account statements concerning” Ms. Gross’ personal bank account ending -3556 (the “Gross Account Statements”).

WHEREAS on April 15, 2022, Ms. Gross filed a Motion to Quash and/or Modify the Subpoena Directed and Served Upon JPMorgan Chase Bank, N.A. (the “Motion”) [ECF No. 510].

WHEREAS, the parties have reached a settlement of the Motion.

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN BENEFIT STREET AND MS. GROSS AS FOLLOWS:

1. The Motion is hereby withdrawn.
2. On or before April 29, 2022, Ms. Gross shall produce to Benefit Street all documents that she has produced to the Examiner, including without limitation the documents she produced to the Examiner on January 25, 2022.
3. Benefit Street agrees not to seek production of the Gross Account Statements pursuant to the Subpoena. Benefit Street further represents that no Gross Account Statements have been produced to it to date pursuant to the Subpoena.
4. JP Morgan Chase Bank, N.A., shall not produce the Gross Account Statements to Benefit Street pursuant to the Subpoena.
5. In the event any Gross Account Statements are produced by JP Morgan Chase Bank N.A. pursuant to the Subpoena, other than those which Ms. Gross has voluntarily provided to the Examiner, Benefit Street shall (i) promptly notify Ms. Gross of the production, (ii) not use or circulate such documents, and (iii) promptly destroy such documents.
6. Benefit Street shall promptly provide JPMorgan Chase Bank, N.A., with a copy of this “so ordered” Stipulation.

Dated: April 21, 2022
New York, New York

By: /s/ P. Bradley O'Neill

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Counsel for Miriam Gross

SO ORDERED

Dated: April __, 2022
White Plains, New York

THE HONORABLE ROBERT D. DRAIN